

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:11CR404-FDW-DSC**

UNITED STATES OF AMERICA)
)
v.)
)
ZONTA T. ELLISON,)
)
Defendant.)
)

ORDER

THIS MATTER is before the Court on Defendant's "Motion for Status of Counsel Hearing" (document #20) filed November 15, 2012. The Court conducted a hearing in this matter on November 28, 2012.

Having fully considered the arguments, the record, and the applicable authority, the Court finds that there is no basis for removal of counsel for Defendant, as discussed below.

Defense counsel Steven T. Meier stated at the hearing that Defendant is performing legal research at the jail law library and wants him to file frivolous motions. Mr. Meier is Defendant's third attorney in this case. Trial is set for the December 10, 2012 calendar call before District Judge Frank D. Whitney.

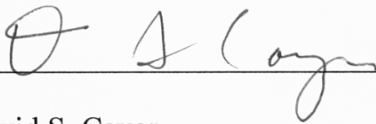
The Court clarified the attorney-client relationship and explained to Defendant that there are certain decisions that must be made by him such as whether to accept a plea agreement or go to trial, and that there are other decisions that must be made by counsel such as identifying legal issues, deciding what motions to file, and what arguments to make to the Court. The Court also advised Defendant that it is not in his best interests for new counsel to be appointed on the eve of trial.

Based on the above facts, the Court does not find that there is a sufficient basis for removal of counsel for Defendant.

The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Frank D. Whitney.

SO ORDERED.

Signed: November 28, 2012

A handwritten signature in black ink, appearing to read "D. S. Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

